

### **REMARKS**

Responsive to the Requirement for Restriction and Election of Species, applicant elects Group III and claims 25-36 and 40-43 readable thereon, without traverse. Applicant further elects Species of Fig. 8, with traverse. Indeed, the purported "Species" of Figs. 8, 9, 10 and 15 are believed to be more properly the subject of a restriction requirement, not a requirement for election of species.

Indeed, independent claims 25 and 47 are independently patentable and are **generic** to the purported "Species" of Figs. 8, 9 and 10. Indeed, neither claim 25 nor claim 47 includes limitations that are incompatible with the purported "Species" of Figs. 8, 9 and 10 and both should have been identified as being generic and only a restriction requirement should have been issued, as noted in the MPEP (note "only a restriction requirement language"):

#### **809.02(a)**

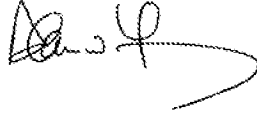
##### **Election Required**

Where generic claims are present, the examiner should send a letter including only a restriction requirement or place a telephone requirement to restrict (the latter being encouraged). See MPEP Section 812.01 for telephone practice in restriction requirements.

Moreover, Fig. 15 shows aspects of an embodiment only claimed in dependent claims 69, 70, 123 and 124 and should not have been identified as a purported "Species".

If any unresolved issues remain, the Examiner is respectfully invited to contact the undersigned attorney of record at the telephone number indicated below, and whatever is required will be done at once.

Respectfully submitted,



Date: March 6, 2010

By:

Alan W. Young  
Attorney for Applicants  
Registration No. 37,970

YOUNG LAW FIRM, P.C.  
4370 Alpine Rd., Ste. 106  
Portola Valley, CA 94028  
Tel.: (650) 851-7210  
Fax: (650) 851-7232